

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re	:	Chapter 11
	:	
W.R. Grace & Co., <i>et al.</i>	:	Case No. 01-01139 JKF
	:	
Debtors.	:	

**CERTAIN INSURERS' NOTICE OF DESIGNATIONS  
WITH RESPECT TO THE DEPOSITION OF DAVID T. AUSTERN**

The insurers indicated in the signature blocks to this pleading (collectively, “Certain Insurers”), by and through their respective undersigned attorneys, hereby designate the attached excerpts from the transcript of the deposition of David T. Austern, taken on May 15, 2009 (the “Deposition Transcript”), together with any pertinent exhibits thereto, which may be offered in evidence in connection with the Phase I Confirmation Hearing in this matter, pursuant to Rule 32 of the Federal Rules of Civil Procedure.<sup>1</sup>

Certain Insurers reserve the right to supplement these designations following receipt of Plan Proponents’ counter-designations, if any. Certain Insurers further reserve the right to use any part of the Deposition Transcript, even if it is not designated, for the purpose of contradicting or impeaching testimony given by the deponent as a witness. Finally, Certain Insurers reserve the right to call the witness at trial to supplement the deposition testimony designated herein.

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<sup>1</sup> A copy of the entire Deposition Transcript in electronic format, marked with Certain Insurers’ designations, will be provided to Plan Proponents on disk for their use in marking any counter-designations they may wish to submit.

An excerpted copy of the Deposition Transcript, together with pertinent exhibits, is attached as Exhibit "A" hereto, with the portions designated by Certain Insurers marked in green.

Dated: June 18, 2009  
Wilmington, Delaware

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